

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LOUIS CLEVELAND	:	CIVIL ACTION
	:	
v.	:	
	:	
SUPERINTENDENT WAKEFIELD of	:	
S.C.I.H., et al.	:	No. 07-2821

ORDER

AND NOW, this 18th day of January, 2008, upon careful and independent consideration of Louis Cleveland's pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry #1), the defendants' response thereto (docket entries #4), and the Report and Recommendation of the Honorable Arnold C. Rappaport (docket entry #5), and Cleveland's objection (docket entry #6), and the Court finding that Judge Rappaport correctly analyzed the timeliness issues plaguing Cleveland's claim, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for writ of habeas corpus is DENIED;
3. Louis Cleveland having made no substantial showing of a denial of a constitutional right, we DECLINE to issue a certificate of appealability; and
4. The Clerk shall CLOSE this civil action statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.